Remarks/Arguments

Applicants thank the Examiner for a thorough and timely examination, for withdrawing the objection to the specification and considering the arguments filed on March 23, 2009.

I.   Status of Claims

Claims 1 and 3-12 are currently pending in the application. This amendment amends claims 1 and 3-5, cancels claim 2, and addresses each rejection and objection raised by the Examiner. No new matter has been added. Favorable reconsideration is respectfully requested.

II.   Rejection of Claims under 35 U.S.C. 101

Claims 1-9 are rejected under 35 U.S.C. 101 for allegedly not falling within one of the four statutory categories of invention. Applicants amend claim 1 to further recite each of the claimed steps as being performed by the moving picture mail server. Each of the claimed method steps is now tied to a particular apparatus. As such, Applicants submit that claims 1 and 3-9 are now directed to a statutory process. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-9 under 35 U.S.C. 101.

III.   Rejection of Claims under 35 U.S.C. 103

Claims 1-2, and 4 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi (US 6,693,510 B1). Claim 3 is rejected under 35 U.S.C

§ 103(a) as allegedly being unpatentable over Yamaguchi in view of Fukuhara et al. (US 6,591,017 B1). Claims 5-9 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Lee et al. (US 6,023,296). Claims 10-11 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Jabri (US 7,266,611). Claim 12 is rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Yamaguchi in view of Jabri in view of Fukuhara.

Applicants respectfully request reconsideration and withdrawal of the above rejections.

Applicants initiated a telephonic interview with the Examiner on April 14, 2009, to specifically discuss the above rejections and the Examiner's interpretation of the cited references. As a result of the interview, the Applicants' agent requested that the Examiner specifically point out where Yamaguchi allegedly discloses at least the features of steps (c) and (e) of claim 1 and where the disclosure relied upon in Jabri is supported by the provisional application (60/364,402) of Jabri. However, it appears in the outstanding Office Action that the Examiner did not address the above concerns. Specifically, the outstanding Office Action still fails to clearly provide support for the Examiner's rejection of claim 1 in view of Yamaguchi. The outstanding Office Action also fails to provide clear support that the disclosure relied on in Jabri is supported by the provisional application to Jabri. As such, Applicants maintain the arguments filed on March 23, 2009 and provide additional arguments below.

Specifically, with respect to claim 1, Applicants respectfully disagree with the Examiner's rejection. The Examiner maintains in her Response to Arguments, that "Yamaguchi teaches the transcoding of data," and cites column 6 lines 22-26 and column 7 lines 30-45 for support. However, after review of these cited sections and the entire disclosure of Yamaguchi, Applicants maintain that the Examiner's rejection is still unreasonable. Simply, Yamaguchi does not disclose or suggest at least the step of "if the support codecs of the first and second mobile terminals are incompatible, transcoding, by the moving picture mail server, the moving picture mail received from the first mobile to the second mobile terminal on the basis of the support codec of the second mobile terminal and transmitting the transcoded moving picture mail to the second mobile terminal." As previously pointed out, Yamaguchi is directed to a mobile terminal generally capable of encoding/transmitting and decoding/receiving image and voice data. As discussed in column 7, lines 19-44, Yamaguchi is only concerned with recognizing, at a receiving terminal, an encoding scheme used to encode the received data and locating in the receiving terminal's memory, decoding software for decoding the received data. Yamaguchi assumes the receiving terminal is capable of decoding the data received from the transmitting terminal. There is no discussion or suggestion in Yamaguchi of a situation where the receiving terminal is unable to decode the received data. As such, there is also no discussion in Yamaguchi of any transcoding operation. Not only does Yamaguchi fail to disclose or suggest the transcoding operation, but there is no discussion or suggestion anywhere in Yamaguchi of any server, much less a moving picture mail server, for allegedly transcoding any data received from a first mobile terminal. Alternatively, the

encoding/decoding functions of Yamaguchi relied on by the Examiner, are performed in the receiving mobile terminal. Therefore, even if the receiving mobile terminal performs a transcoding operation, as alleged by the Examiner, the alleged transcoding operation is not preformed by a server and subsequently transmitted to the receiving mobile terminal. For at least these reasons, Applicants submit that claim 1 is patentable over Yamaguchi.

Without conceding propriety of the Examiner's rejection, Applicants amend claim 1 to further include the features previously recited in claim 2. In view of the above arguments, Yamaguchi clearly cannot teach the claimed transcoding steps. Specifically, the Examiner's citations of the abstract, Fig. 1 item 6, Figs. 2-3, col. 5 lines 34-67 and col. 6 line 58 – col. 7 line 5 in Yamaguchi are absent any disclosure or suggestion of selecting a first codec corresponding to the support codec of the first mobile terminal and a second codec corresponding to the support codec of the second mobile terminal; decoding the moving picture mail received from the first mobile terminal by means of the selected first codec and coding the decoded moving picture mail by means of the selected second codec. The Examiner states that the image terminal (Fig. 1 element 6) represents a mobile device allowing for remote access and communication among multiple mobile devices. However, it is unclear how the image terminal in Yamaguchi is to relate to the alleged transcoding steps. There is no disclosure of a transcoding operation with respect to a support codec of the image station and a support codec of the mobile terminal, when each terminal has a different support codec than the other. Other sections of Yamaguchi merely describe that in the case of a user not being available to respond to a receiving call, an image

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communication terminal stores an image data received by the reception means in a memory for allowing the user to check the received image data when the user is available. However, there is no disclosure in Yamaguchi of any of the claimed transcoding steps.

In view of the above, Applicants submit that claim 1 is patentable over Yamaguchi. With respect to dependent claims 3-9, Applicants maintain that each is distinguished from any reasonable combination of the cited art, at least by virtue of its dependency from claim 1. Simply, neither Fukuhara nor Lee is capable of overcoming the deficiencies of Yamaguchi discussed above. As such, Applicants respectfully request the Examiner to reconsider and withdraw the rejections to claims 1 and 3-9 under 35 U.S.C. 103(a).

With respect to the rejection of claim 10, Applicants maintain that the provisional application of Jabri does not provide sufficient support for the features relied on by the Examiner in the non-provisional application, the filing date of which, has been effectively antedated. The Examiner merely responds to Applicants arguments by stating that "Jabri provision (*sic*) clearly discloses transcoding and processing (transmission and reception) of audio/video data," and points to figure 3 on page 9 of the provisional application as support. Figure 3, along with the entire disclosure of the provisional application, however, only generally describes the DCT 1000 and DCT 2000 products. Nowhere does the disclosure of the provisional application specifically point out or suggest at least the claimed features of the moving picture mail server and the transcoding server, as argued in the response filed on

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March 23, 2009. Specifically, nowhere in the provisional application or the non-provisional application does Jabri disclose the moving picture mail server comprising at least a database for storing codec information of the first and second mobile terminals. Alternatively, Jabri relies on a received capability message to determine a transcoding mode for use with the respective codecs of the first and second terminals. As such, even if the provisional application of Jabri is deemed to provide enough support for the features discussed in the non-provisional application, there still is no disclosure or suggestion of providing a database in a moving picture mail server for storing codec information of the first and second codecs. Therefore, Applicants submit that claim 10 is patentable over any reasonable combination of Yamaguchi and Jabri.

With respect to dependent claims 11-12, Applicants maintain that each is distinguished over any reasonable combination of the cited art, at least by virtue of its dependency from claim 10.

CONCLUSION

In view of at least the above arguments, it is believed that the above-identified

application is in condition for allowance, and notice to that effect is respectfully

requested. Should the Examiner have any questions, the Examiner is encouraged to

contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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